

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/779,974  
Applicant(s): Tony J. Brice et al.  
Filed: February 9, 2001  
Art Unit: 3625  
Examiner: Robert M. Pond  
Title: REAL TIME METHOD FOR DYNAMIC  
PACKAGING ITEMS FOR DISTRIBUTION

Confirmation No.: 8166

Docket No.: 023895/258437  
Customer No.: 00826

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

We, Tony J. Brice and Joseph R. Offutt, hereby declare and state that:

1. We are the inventors of the claimed invention of the above-identified U.S. Patent Application Serial No. 09/779,974.

2. We have read and understand U.S. Patent Application Publication No. 2002/0072937 to Domenick et al. ("Domenick"), which was filed June 20, 2001, claims priority to U.S. Provisional Application No. 60/212,847 filed June 20, 2000, and published on June 13, 2002. Domenick was relied upon by the Examiner in the final Official Action mailed April 18, 2006 as disclosing or suggesting portions of independent Claims 1 and 14 of the above-referenced application. This Declaration is filed to establish actual reduction to practice prior to the effective filing date of Domenick.



3. Prior to June 20, 2000, the effective filing date of Domenick, we actually reduced embodiments of the claimed invention to practice. In particular, we developed a prototype of the claimed invention that worked for its intended purpose, as described below, thereby reducing to practice embodiments of our invention as described and claimed in the subject application, which is generally directed to a method and system for providing information on packages of items. In support of this statement, we have attached Exhibits 1-5. Although the dates of Exhibits 1-5 are not provided, these exhibits are dated prior to June 20, 2000 (*See MPEP § 715.07: Establishment of Dates*).

4. In support of the foregoing statement regarding actual reduction to practice, we hereby submit the best available copy of the following documents:

- a. Exhibit 1 – screen shot of a web page for selecting products to be searched.
- b. Exhibit 2 – screen shot of a web page for selecting air travel.
- c. Exhibit 3 – screen shot of a web page for selecting hotel accommodations.
- d. Exhibit 4 – screen shot of a web page for selecting a rental car.
- e. Exhibit 5 – screen shot of a web page displaying a package of items.

5. Exhibits 1-5 provide support that we reduced to practice the method and system of embodiments of the claimed invention for providing information on packages of items. In particular, Exhibits 1-4 demonstrate that software was developed and provided the capability to receive a request identifying an interest in a set of items (i.e., air travel, hotel accommodations, and/or rental car). The software was capable of operating under the control of a system including a processor for receiving such a request. Exhibit 5 demonstrates that the software was capable of identifying potential providers capable of providing items that satisfy the identified interest in response to receiving the request, packaging multiple items from a plurality of different providers selected from the potential providers into a package of items in response to receiving the request and based upon preset financial arrangements with or between the respective potential providers, and providing information reflecting the package of items in response to the request. The software was capable of operating under the control of a system including a database for

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responding to the request and packaging multiple items.

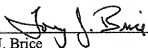
6. Furthermore, Exhibits 1-5 disclose that the method and system of embodiments of at least independent Claims 1 and 14 of the present application were reduced to practice in the form of software that worked for its intended purpose. Namely, Exhibit 1 illustrates that a user was capable of selecting an interest in obtaining information for one or more travel products on a web page, such as air travel, hotel accommodations, and rental car. Exhibits 2-4 demonstrate that the user was capable of entering specific criteria for each travel product on a respective web page, such as departure and return city/airport, departure and return dates, and departure and return times for air travel. Moreover, Exhibit 5 shows that a plurality of products could be packaged together and provided to the user on a web page based on the user's criteria, such as a package for \$429 that includes airfare with American Airlines between Dallas/Fort Worth and Las Vegas, hotel accommodations at the Mandalay Bay Resort and Casino, and a rental car from Alamo. In addition, Exhibit 5 demonstrates that there could be a financial arrangement between providers, such as American Airlines and the Mandalay Bay Resort and Casino, wherein the traveler would be offered 500 American Airlines frequent flier miles as part of a package including an American Airlines flight and the Mandalay Bay Resort and Casino.

7. All of the work we did in connection with this invention was carried out in the United States.

8. We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

A handwritten signature in dark ink, appearing to be 'A. J. H. H.', is located in the bottom right corner of the page.

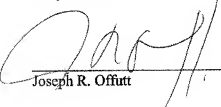
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Tony J. Brice

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Tony J. Brice

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Joseph R. Offutt

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Select travel products to include in search

☒ Air travel

☒ Hotel  
accommodations

☒ Rental car

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**EXHIBIT 1**

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**Air Travel**

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Type of Trip: ☒ Round Trip ☐ One Way

Number of travelers:  Adults  Age 2 through 11

Departure city/airport:

Departure date:

Departure time:

Return city/airport:

Return date:

Return time:

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### Hotel Accommodations

Search by: Point of interest

(Examples: Disneyworld, Broadway, Niagara Falls)

Airport/city code

(Examples: WAS, DFW, LAX, ORD, MIA)

City name, state, address

(Example: 4200 Buckingham, Ft Worth, TX)

Check-in date:

Check-out date:

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### Rental Car

City:

Pick-up date:

Pick-up time:

Drop-off date:

Drop-off time:

Type preference:

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**Price**
**\$429.00**

(price is per person  
based on double  
occupancy)

Package  
includes:

American  
Airlines  
roundtrip airfare  
between  
Dallas/Ft Worth  
and Las Vegas

Mandalay Bay  
Resort & Casino  
deluxe king  
room for 2 nights  
**plus 500 AA  
AAdvantage  
Miles**

Alamo compact  
car for 2 days  
**plus free  
upgrade to  
midsize car if  
available**

**Select Air Option**

Click on airline name for details

☒ American Airlines

☐ Delta Air Lines

☐ United Airlines

☐ America West Airlines

**Select Hotel Option**

Click on hotel name for details

☐ MGM Grand Hotel

☐ The Mirage Hotel &  
Casino

☐ Paris Las Vegas Casino  
Resort

☒ Mandalay Bay Resort &  
Casino

☐ Bellagio

☐ Venetian Hotel Resort &  
Casino

**Select Car Option**

Click on car company for details

☐ Hertz

☐ Avis

☐ Budget

☐ National

☒ Alamo

☐ Thrifty

☐ Enterprise